

Supreme Court of Florida

No. SC95266

KEN JENNE, etc.,
Petitioner,

vs.

BRIAN RIX,
Respondent.

[April 5, 2001]

PARIENTE, J.

We have for review the decision in Rix v. Jenne, 728 So. 2d 827 (Fla. 4th DCA 1999), in which the Fourth District Court of Appeal certified conflict with Houser v. Manning, 719 So. 2d 307 (Fla. 3d DCA 1998). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const. For the reasons expressed in State v. Paul, No. SC95265 (Fla. Mar. 29, 2001), we approve the Fourth District's decision in this case.

It is so ordered.

SHAW, ANSTEAD and LEWIS, JJ., concur.
WELLS, C.J., and HARDING and QUINCE, JJ., dissent.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND
IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal -
Certified Direct Conflict

Fourth District - Case No. 4D99-0998

(Broward County)

Robert A. Butterworth, Attorney General, Celia Terenzio, Assistant Attorney
General, Bureau Chief, West Palm Beach, and Leslie T. Campbell, Assistant
Attorney General, West Palm Beach, Florida,

for Petitioner

Steven J. Hammer, Fort Lauderdale, Florida,

for Respondent